

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FEDERAL TRADE COMMISSION,
Plaintiff,

Case No. 3:19-cv-02281-K

vs.

MATCH GROUP, INC., a corporation, and
MATCH GROUP, LLC, formerly known as
MATCH.COM, LLC, a limited liability
company,

Defendants.

**DEFENDANT MATCH GROUP, INC. AND MATCH GROUP, LLC'S
APPENDIX IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rules 56.6 and 79.3, Defendants Match Group, Inc. and Match Group, LLC respectfully submit this Appendix in Support of their Motion for Summary Judgment. Exhibits 7, 9, 22, 24, 38-41, 44-J, 44-K, 44-L, and 59 will be filed under seal.

Ex.	Description	App.
Deposition Excerpts		
1.	Bikram Bandy (FTC 30(b)(6)) Deposition Transcript (Oct. 24, 2022)	App. 1–18
2.	Bikram Bandy (FTC 30(b)(6)) Deposition Transcript (Oct. 31, 2022)	App. 19–32
3.	Greg Blatt Deposition Transcript (Jan. 13, 2023)	App. 33–40
4.	Melissa Clinchy Deposition Transcript (Feb. 16, 2023)	App. 41–48
5.	Mandy Ginsberg Deposition Transcript (Feb. 23, 2023)	App. 49–56
6.	Sharmistha Dubey (MGI 30(b)(6)) Deposition Transcript (Mar. 3, 2023)	App. 57–77
7.	Dushyant Saraph (MGL 30(b)(6)) Deposition Transcript (Apr. 6, 2023)	App. 78–93
8.	Dushyant Saraph (MGL 30(b)(6)) Deposition Transcript (June 22, 2023)	App. 94–104
9.	Bikram Bandy (FTC 30(b)(6)) Deposition Transcript (June 26, 2023)	App. 105–121
10.	Jennifer King (FTC Expert) Deposition Transcript (July 27, 2023)	App. 122–141

Ex.	Description	App.
Hearing Transcript		
11.	Transcript of Proceedings Before the Honorable Irma Carrillo Ramirez, United States Magistrate Judge on Nov. 1, 2022 (amended Nov. 8, 2022)	App. 142–201
Documents		
12.	MATCHFTC774813 (Select Settings from Gear Icon)	App. 202–203
13.	MATCHFTC774738 (Select “Manage subscription”)	App. 204–205
14.	MATCHFTC774742 (Enter Password and Complete reCaptcha)	App. 206–207
15.	MATCHFTC774736 (Select “Cancel Subscription”)	App. 208–209
16.	MATCHFTC774745 (Answer or Skip Optional Survey)	App. 210–211
17.	MATCHFTC774790 (Accept or Skip Save Offer)	App. 212–213
18.	MATCHFTC774739 (Answer or Skip Optional Net Promoter Score)	App. 214–215
19.	MATCHFTC774734 (Cancellation Confirmation)	App. 216–217
20.	MATCHFTC774521 (Email, “[Guarantee] is no longer available”)	App. 218–219
21.	MATCHFTC774522 (FAQ, Guarantee “was discontinued on 4/11/2019”)	App. 220–221
22.	MATCHFTC774593 (Document, Guarantee “no longer available”)	App. 222–229
23.	MATCHFTC774668 (Email example, cessation of Chargeback Policy)	App. 230–232
24.	MATCHFTC471514 (Rationale for Chargeback Policy)	App. 233–238
25.	MATCHFTC774614 (Match.com Terms of Use dated Dec. 18, 2017)	App. 239–247
26.	MATCHFTC774600 (Match.com Terms of Use dated Nov. 12, 2019)	App. 248–262
27.	MATCHFTC774640 (Match.com Terms of Use dated Apr. 18, 2019)	App. 263–274
28.	MATCHFTC774652 (Match.com Terms of Use dated Feb. 8, 2021)	App. 275–290
29.	MATCHFTC774674 (MGL owns Match.com trademarks)	App. 291–293
30.	MATCHFTC774676 (MGL owns Match.com trademarks)	App. 294–296
31.	MATCHFTC774678 (MGL owns Match.com trademarks)	App. 297–299
32.	MATCHFTC774680 (MGL owns Match.com trademarks)	App. 300–302
33.	MATCHFTC774697 (MGL is contact for domain Match.com)	App. 303–307
34.	MATCHFTC774727 (MGL owns Match.com app on Apple)	App. 308–309
35.	MATCHFTC774728 (MGL owns Match.com app on Apple)	App. 310–311
36.	MATCHFTC774729 (MGL owns Match.com app on Google Play)	App. 312–313
37.	MATCHFTC777082 (MGL owns Match.com app on Google Play)	App. 314–315
38.	MATCHFTC753946 (Match.com using cancellation survey data)	App. 316–319
39.	MATCHFTC777145 (Match.com using cancellation survey data)	App. 320–332
40.	MATCHFTC834015 (Email, noting expecting no net impact to revenue from removal of Guarantee)	App. 333–335
41.	MATCHFTC834288 (Email, noting “topline impact of the [G]uarantee is very small”)	App. 336–339
Correspondence		
42.	Letter from Linda A. Goldstein to FTC (dated Aug. 6, 2019)	App. 340–342
43.	Letter from Chad S. Hummel to FTC (dated May 20, 2022)	App. 343–344

Ex.	Description	App.
Declarations		
44.	Declaration of Dushyant Saraph, with Exhibits A-M <ul style="list-style-type: none"> Exhibit A: MATCHFTC774523 (Guarantee “Learn more”) Exhibit B: <ul style="list-style-type: none"> MATCHFTC774536 (Guarantee Program Rules, excerpt #1) MATCHFTC774568 (Guarantee Program Rules, excerpt #2) MATCHFTC774563 (Guarantee Program Rules, excerpt #3) Exhibit C: <ul style="list-style-type: none"> MATCHFTC774538 (Guarantee Progress Page, excerpt #1) MATCHFTC774527 (Guarantee Progress Page, excerpt #2) Exhibit D: MATCHFTC846849 (Match.com Canceling FAQ) Exhibit E: MATCHFTC846848 (Match.com Cancelling FAQ) Exhibit F: MATCHFTC672286 (Match.com Previous FAQs) Exhibit G: MATCHFTC672339 (Match.com Previous FAQ) Exhibit H: MATCHFTC672338 (Match.com Previous FAQ) Exhibit I: MATCHFTC672336 (Match.com Previous FAQ) Exhibit J: MATCHFTC774724 (Cancelations by Method Data) Exhibit K: MATCHFTC744806 (Cancelation by Mail Example) Exhibit L: MATCHFTC744801 (Cancelation by Fax Example) Exhibit M: MATCHFTC774622 (Match.com Terms of Use dated Feb. 28, 2022) 	App. 345–441
45.	Declaration of Jared Sine	App. 442–444
Stipulation		
46.	Verified Stipulation Regarding Permanently Discontinued Practices on Match.com, Dkt. 146 (dated Sept. 20, 2022)	App. 445–452
Disclosures		
47.	FTC’s Initial Disclosures (dated Apr. 15, 2023)	App. 453–473
48.	FTC’s Fourth Amended Initial Disclosures (dated July 27, 2023)	App. 474–479
Admissions		
49.	FTC’s Second Amended Responses to MGI’s First Set of Requests for Admissions (dated Nov. 29, 2022)	App. 480–498
50.	FTC’s Responses and Objections to MGL’s First Requests for Admission (dated July 28, 2023)	App. 499–520
Interrogatory Answers		
51.	MGI’s Second Amended Responses and Objections to FTC’s First Set of Interrogatories (dated Jan. 14, 2023) ¹	App. 521–550
52.	MGL’s Second Amended Responses and Objections to FTC’s First Set of Interrogatories (dated May 19, 2023) ²	App. 551–605
53.	FTC’s Responses to MGI’s First Set of Interrogatories (dated August 8, 2022)	App. 606–619

¹ MGI’s First Amended Responses and Objections to FTC’s First Set of Interrogatories (which are encompassed in **Ex. 51**) were served on Sept. 14, 2022.

² MGL’s original Responses and Objections to FTC’s First Set of Interrogatories (which are encompassed in **Ex. 52**) were served on Sept. 28, 2022.

Ex.	Description	App.
54.	FTC's Responses and Objections to MGL's First Set of Interrogatories, including Attachment A (FTC-Proposed Injunction) (dated May 18, 2023)	App. 620–679
55.	FTC's Responses to MGI's Second Set of Interrogatories (dated May 19, 2023)	App. 680–694
56.	FTC's Fourth Amended Responses to MGI's First Set of Interrogatories (dated May 25, 2023)	App. 695–735
Expert Reports		
57.	Expert Report of Brandon Ward Regarding Match.com's Online Subscription Cancellation Flow (dated Jan. 13, 2023)	App. 736–974
58.	Expert Report of Dr. Jennifer King (dated Jan. 13, 2023)	App. 975–1049
59.	Rebuttal Expert Report of James Langenfeld, Ph.D. (dated Aug. 22, 2023)	App. 1050–1158
Videos		
60.	MATCHFTC774670 (Video of online cancelation flow)	App. 1159
61.	MATCHFTC774651 (Video of online cancelation flow)	App. 1160
62.	MATCHFTC774667 (Video of online cancelation flow)	App. 1161
63.	MATCHFTC846853 (Video of online cancelation flow that is embedded in FAQ at MATCHFTC846849, attached as Exhibit D to Saraph Declaration, Ex. 44)	App. 1162

[signature page to follow]

Dated: September 11, 2023

/s/ Angela C. Zambrano

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2023, I caused true and correct copies of the foregoing to be served on all counsel of record in accordance with Federal Rules of Civil Procedure and this Court's CM/ECF filing system.

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